



MARYLAND DEPARTMENT OF JUVENILE JUSTICE

SECRETARY'S DIRECTIVE

OPI: Office of the Secretary – Fair Practices/Equal Employment Opportunity
NUMBER: SD D1113-02-02
EFFECTIVE DATE: 8/20/02
SUBJECT: Sexual Harassment Policy Reaffirmation

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1. **PURPOSE AND SCOPE.** The Department of Juvenile Justice (DJJ) reaffirms its Sexual Harassment Policy Directive to underscore the importance of DJJ adherence to State and DJJ policy of zero tolerance for sexual harassment and to emphasize the DJJ collective obligation to comply with State and Federal anti-discrimination law.
2. **POLICY.** It is the Department of Juvenile Justice policy that DJJ staff shall:
 - a. Act in accordance with State and Federal law, and the Governor's Executive Order (01.01.1995.19, Code of Fair Employment Practices) prohibiting discrimination, including sexual harassment, to eliminate discrimination in the work place;
 - b. Honor and respect the value and dignity of every employee of the Department to work in an environment that is free of any type of discrimination or harassment on any basis; and
 - c. Adhere to the State and DJJ policy of zero tolerance for sexual harassment and continue to emphasize our collective obligation to comply with State and Federal discrimination law.
3. **PROGRAM OBJECTIVES.** The expected results of this policy are that DJJ:
 - a. Establish a workplace free of sexual harassment and other forms of discrimination;
 - b. Require its employees to act in accordance with State and Federal law and policy concerning discrimination; and
 - c. Educate, train and communicate to the DJJ workforce the State's position on the issue of employment discrimination.
4. **AUTHORITY.**
 - a. Annotated Code of Maryland, Article, 83C, §§ 2-102; 2-104.
 - b. Title VII of the Civil Rights Act of 1964, as amended.
 - c. Annotated Code of Maryland, Article, 49B.
 - d. Annotated Code of Maryland, Title 5, Subtitle 2, State Personnel and Pensions Article.
 - e. Annotated Code of Maryland, Title 2, Subtitle 3, § 2-302, State Personnel and Pensions Article.
 - f. Executive Order, 01.01.1995.19, Code of Fair Employment Practices.
 - g. State of Maryland Sexual Harassment Policy and Procedures document (Rev. 11/4/99).
5. **DEFINITIONS.**
 - a. *Sexual Harassment* is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of sexual nature. Sexual harassment may be **verbal** (sexual innuendo, threats, jokes, sexual propositions, or suggestive comments); **non-verbal**

(making suggestive or insulting noises, leering, whistling, or making obscene gestures); or, **physical** (touching, pinching, brushing the body, assaulting, or any other contact of a sexual nature).

b. Types of Sexual Harassment:

(1) *Quid Pro Quo* - Unwelcome sexual advances, requests for sexual favors, and other unwelcome verbal or physical conduct of a sexual nature constitute “quid pro quo” sexual harassment when:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment; or
- b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.

(2) *Hostile Work Environment* - Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute “hostile environment” sexual harassment when a reasonable person would find:

- a. Such conduct has the effect of unreasonably interfering with an individual’s work performance; or
- b. Such conduct creates an intimidating hostile or offensive working environment which is perceived by the victim to be abusive or hostile.

c. The victim, as well as the accused, may be a female or a male; the victim does not have to be of the opposite sex; the accused may be an employee’s direct supervisor, a supervisor in another division, or a coworker, and the victim does not have to be the person harassed but could be anyone affected by the offensive conduct.

d. Sex-based offensive behavior in the work place is prohibited by law. Even if sexual harassment may be tolerated by some individuals outside of the work place, it may not be tolerated within the work place. The ignorance or intentions of the harasser are irrelevant; sexual harassment is wrong and may not be tolerated.

6. **ACTION REQUIRED – IMPORTANT CONCEPTS.** DJJ shall act in compliance with the following and adhere to State and Federal law, and DJJ policy to establish and maintain a work environment free of discrimination:

- a. DJJ Managers and Supervisors shall lead by example in their behavior and treatment of employees to create and maintain a discrimination-free workplace;
- b. All employees shall cooperate with the Office of Fair Practices/Equal Opportunity in the investigation of allegations of sexual harassment or any complaints of employment discrimination;
- c. DJJ employees may not retaliate against an employee for filing a discrimination complaint;
- d. DJJ shall provide education, training, mediation of disputes, and the investigation of sexual harassment allegations, a form of employment discrimination;
- e. DJJ shall apply appropriate disciplinary actions against each employee found to be in violation of the law, or policy;
- f. DJJ shall prominently display posters at each DJJ Office to inform employees about the State’s prohibition against sexual harassment and other acts of employment discrimination in the workplace; and

- g. Staff may contact the Director for the Office of Fair Practices/Equal Opportunity at (410) 230-3281 for additional information, or to inquire about an issue of discrimination.

7. EFFECTIVE DATE.

This directive is effective on 8/20/02 and shall remain in effect until rescinded by the Secretary.

8. DIRECTIVES/POLICIES AFFECTED.

- a. Directives/Policies Rescinded - **01.03.17, Sexual Harassment (2/5/90)**
- b. Directives/Policies Referenced - **(None)**

9. FAILURE TO COMPLY.

Failure to obey a Secretary's Directive and/or policy issued with this document shall be grounds for disciplinary action up to and including termination of employment.



Bishop L. Robinson
Secretary

Appendixes – (None)